

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF MAINE**

**DONALD R. LaFORTUNE,** )  
 )  
 **PLAINTIFF** )  
 )  
 **v.** )  
 )  
 **FIBER MATERIALS, INC.,** )  
 )  
 **DEFENDANT** )

**CIVIL No. 03-275-P-H**

**ORDER ON MOTION TO DISMISS**

I decline to treat this as a motion for summary judgment, see Fed. R. Civ. P. 12(b), and I exclude the evidentiary materials furnished by the parties. The motion to dismiss under Fed. R. Civ. P. 12(b)(6) is **DISMISSED**. This is without prejudice to later summary judgment practice.

**So ORDERED.**

**DATED THIS 23RD DAY OF FEBRUARY, 2004.**

/s/D. BROCK HORNBY  
**D. BROCK HORNBY**  
**UNITED STATES DISTRICT JUDGE**

**U.S. DISTRICT COURT  
DISTRICT OF MAINE (PORTLAND)  
CIVIL DOCKET FOR CASE #: 2:03cv275**

DONALD R. LaFORTUNE

Plaintiff

represented by Peter L. Thompson  
97 India Street  
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V.

FIBER MATERIALS INCORPORATED

Defendant

represented by Jennifer C. Beedy  
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